

Legislature participate in committee and house proceedings.”

8. Defendant was both permitted and obligated to be in the House Chambers when the bell rings calling the House to convene. In particular, House Rule 27 provides in pertinent part, “On a call of the House, the door shall not be closed against any member until his name shall have been called twice.”
9. As a member of the House of Delegates entitled to be in the chamber, Defendant was trying to enter the House Chamber during the time between the prayer and the pledge of allegiance.
10. Under controlling West Virginia law, members of the Legislature are entitled to legislative immunity from civil and criminal prosecutions for all acts committed within the legislative sphere.
11. The facts alleged in the CRIMINAL COMPLAINT fall squarely within the legislative immunity mandated by W.Va.Code §4-1A-6, which provides:

(a) Legislative immunity, affording protection under the Separation of Powers Doctrine and the Speech or Debate privilege, **extends to all of a legislator’s legislative acts**, as defined in section three of this article.

(b) The Speech or Debate privilege, when it applies, is **absolute** and has two aspects:

(1) A member of the Legislature has **immunity extending both to civil suits and criminal prosecutions for all actions within the legislative sphere, even though the conduct, if performed in other than a legislative context, would in itself be unconstitutional or otherwise contrary to criminal or civil statutes; and**

(2) A member of the Legislature is provided a testimonial privilege that operates to protect those to whom it applies from being compelled to give testimony as to privileged matters and from being

FILED WITH THE  
CLERK OF COURT  
DEC 05 2019  
KANAWHA COUNTY  
MAGISTRATE COURT